

103^D CONGRESS
2^D SESSION

S. 349

AMENDMENT

In the House of Representatives, U. S.,

March 24, 1994.

Resolved, That the bill from the Senate (S. 349) entitled “An Act to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause, and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Lobbying Disclosure Act*
3 *of 1994”.*

4 ***SEC. 2. FINDINGS.***

5 *The Congress finds that—*

6 (1) *responsible representative Government re-*
7 *quires public awareness of the efforts of paid lobbyists*
8 *to influence the public decision making process in*
9 *both the legislative and executive branches of the Fed-*
10 *eral Government;*

11 (2) *existing lobbying disclosure statutes have*
12 *been ineffective because of unclear statutory language,*
13 *weak administrative and enforcement provisions, and*
14 *an absence of clear guidance as to who is required to*
15 *register and what they are required to disclose; and*

1 (3) *the effective public disclosure of the identity*
2 *and extent of the efforts of paid lobbyists to influence*
3 *Federal officials in the conduct of Government actions*
4 *will increase public confidence in the integrity of*
5 *Government.*

6 **SEC. 3. DEFINITIONS.**

7 *As used in this Act:*

8 (1) *AGENCY.*—*The term “agency” has the mean-*
9 *ing given that term in section 551(1) of title 5, Unit-*
10 *ed States Code.*

11 (2) *CLIENT.*—*The term “client” means any per-*
12 *son or entity (including a State or local government)*
13 *who employs or retains another person for financial*
14 *or other compensation to conduct lobbying activities*
15 *on behalf of that person or entity or another person*
16 *or entity. An organization whose employees act as*
17 *lobbyists on its own behalf is both a client and an em-*
18 *ployer of such employees. In the case of any person*
19 *or entity that employs or retains a lobbyist to conduct*
20 *lobbying activities on behalf of another person or en-*
21 *tity, the client is both the person or entity that em-*
22 *ployes or retains the lobbyist and the person or entity*
23 *on whose behalf the lobbyist conducts lobbying activi-*
24 *ties. In the case of a coalition or association that em-*

1 *ploys or retains other persons to conduct lobbying ac-*
 2 *tivities, the client is—*

3 *(A) the coalition or association and not its*
 4 *individual members when the lobbying activities*
 5 *are conducted on behalf of its membership and*
 6 *financed by the coalition's or association's dues*
 7 *and assessments, or*

8 *(B) the individual member or members,*
 9 *when the lobbying activities are, directly or indi-*
 10 *rectly, financed separately by one or more indi-*
 11 *vidual members and not by the coalition's or as-*
 12 *sociation's dues and assessments.*

13 *(3) COVERED EXECUTIVE BRANCH OFFICIAL.—*
 14 *The term “covered executive branch official” means—*

15 *(A) the President or the President-elect;*

16 *(B) the Vice President or the Vice Presi-*
 17 *dent-elect;*

18 *(C) any officer or employee (other than a*
 19 *clerical or secretarial employee) of the Executive*
 20 *Office of the President or any individual func-*
 21 *tioning in the capacity of such an officer or em-*
 22 *ployee on an unpaid basis;*

23 *(D) any officer or employee serving in a po-*
 24 *sition in level I, II, III, IV, or V of the Executive*

Schedule, as designated by statute or executive order;

(E) any officer or employee serving in a Senior Executive Service position, as defined in section 3132 (a)(2) of title 5, United States Code;

(F) any member of the uniformed services whose pay grade is at or above O-7 under section 201 of title 37, United States Code; and

(G) any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character described in section 7511(b)(2) of title 5, United States Code, including an employee listed in schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

(4) COVERED LEGISLATIVE BRANCH OFFICIAL.—

(A) IN GENERAL.—The term “covered legislative branch official” means—

(i) a Member of Congress or a Member-elect of Congress;

(ii) an elected officer of either House of Congress;

(iii) any employee of a Member of Congress or of a committee of either House of Congress;

1 (iv) any employee on the leadership
2 staff of the House of Representatives and
3 any employee on the leadership staff of the
4 Senate;

5 (v) any employee of a joint committee
6 of the Congress; and

7 (vi) any employee of a working group
8 or caucus organized to provide legislative
9 services or other assistance to Members of
10 Congress.

11 (B) *DEFINITIONS.*—For purposes of subpara-
12 graph (A)—

13 (i) the terms “employee on the leadership
14 staff of the House of Representatives” and “em-
15 ployee on the leadership staff of the Senate” have
16 the meanings given these terms in section
17 207(e)(4) of title 18, United States Code;

18 (ii) the term “employee” includes any indi-
19 vidual functioning in the capacity of an em-
20 ployee described in subparagraph (A) on an un-
21 paid basis but the term does not include a cleri-
22 cal or secretarial employee, and

23 (iii) the term “Member of Congress” means
24 a Senator or a Representative in, or Delegate or
25 Resident Commissioner, to the Congress.

1 (5) *DIRECTOR*.—The term “Director” means the
 2 Director of the Office of Lobbying Registration and
 3 Public Disclosure.

4 (6) *EMPLOYEE*.—Except as provided in para-
 5 graph (4)(B)(ii), the term “employee” means any in-
 6 dividual who is an officer, employee, partner, direc-
 7 tor, or proprietor of an organization, but does not in-
 8 clude—

9 (A) independent contractors; or

10 (B) volunteers who receive no financial or
 11 other compensation from the organization for
 12 their services.

13 (7) *FOREIGN ENTITY*.—The term “foreign entity”
 14 means a foreign principal as such term is defined in
 15 subsection (b) of section 1 of the Foreign Agents Reg-
 16 istration Act of 1938 (22 U.S.C. 611 (b)).

17 (8) *GRASS ROOTS LOBBYING COMMUNICA-*
 18 *TIONS*.—The term “grass roots lobbying communica-
 19 tions” means—

20 (A) any communication that attempts to
 21 influence any legislation through an attempt to
 22 affect the opinions of the general public or any
 23 segment thereof;

24 (B) any communication between an organi-
 25 zation and any bona fide member of such orga-

nization to directly encourage such member to make a communication to a covered executive branch official or a covered legislative branch official with regard to a matter described in clause (i), (ii), (iii), or (iv) of paragraph (10)(A) of section 3; and

(C) any communication between an organization and any bona fide member of such organization to directly encourage such member to urge persons other than members to communicate as provided in either subparagraph (A) or subparagraph (B).

(9) LOBBYING ACTIVITIES.—

(A) DEFINITION.—The term “lobbying activities” means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended at the time it is performed, for use in contacts, and coordination with the lobbying activities of others. Except as provided in subparagraph (B), lobbying activities also include—

(i) grass roots lobbying communications, and

1 (ii) any communication described in
2 clause (iii), (v), (vii), (viii), or (xvi) of
3 paragraph (10)(B),
4 to the extent that such communications are made
5 in support of a lobbying contact.

6 (B) RELIGIOUS ORGANIZATIONS.—Lobbying
7 activities do not include grass roots lobbying
8 communications by churches, their integrated
9 auxiliaries, conventions or associations of
10 churches, and religious orders that are exempt
11 from filing Federal income tax returns under
12 paragraph (2)(A)(i) or (2)(A)(iii) of section
13 6033(a) of the Internal Revenue Code of 1986,
14 unless such communications are made by any
15 person or organization required to be identified
16 under section 4(b)(5) of this Act.

17 (10) LOBBYING CONTACT.—

18 (A) DEFINITION.—The term “lobbying con-
19 tact” means any oral or written communication
20 (including an electronic communication) to a
21 covered executive branch official or a covered leg-
22 islative branch official that is made on behalf of
23 a client with regard to—

1 (i) the formulation, modification, or
2 adoption of Federal legislation (including
3 legislative proposals);

4 (ii) the formulation, modification, or
5 adoption of a Federal regulation, Executive
6 order, or any other program, policy, or po-
7 sition of the United States Government;

8 (iii) the administration or execution of
9 a Federal program or policy (including the
10 negotiation, award, or administration of a
11 Federal contract, grant, loan, permit, or li-
12 cense), except that this clause does not in-
13 clude communications that are made to any
14 covered executive branch official—

15 (I) who is serving in a Senior Ex-
16 ecutive Service position described in
17 paragraph (3)(E), or

18 (II) who is a member of the uni-
19 formed services whose pay grade is
20 lower than O-9 under section 201 of
21 title 37, United States Code,
22 in the agency responsible for taking such
23 administrative or executive action; or

1 (iv) the nomination or confirmation of
2 a person for a position subject to confirma-
3 tion by the Senate.

4 (B) EXCEPTIONS.—The term “lobbying con-
5 tact” does not include communications that
6 are—

7 (i) made by public officials acting in
8 their official capacity;

9 (ii) made by representatives of a media
10 organization if the purpose of the commu-
11 nication is gathering and disseminating
12 news and information to the public;

13 (iii) made in a speech, article, publica-
14 tion, or other material which is widely dis-
15 tributed to the public through radio, tele-
16 vision, cable television, or other medium of
17 mass communication;

18 (iv) made on behalf of a government of
19 a foreign country or a foreign political
20 party and disclosed under the Foreign
21 Agents Registration Act of 1938 (22 U.S.C.
22 611 et seq.);

23 (v) requests for meetings, requests for
24 the status of matters described in clauses
25 (i), (ii), (iii), and (iv) of subparagraph (A),

1 *or other similar requests, if the requests do*
2 *not include attempts to influence a covered*
3 *executive branch official or a covered legis-*
4 *lative branch official;*

5 *(vi) made in the course of participa-*
6 *tion in an advisory committee subject to the*
7 *Federal Advisory Committee Act;*

8 *(vii) testimony given before a commit-*
9 *tee, subcommittee, or task force of the Con-*
10 *gress, or submitted for inclusion in the pub-*
11 *lic record of a hearing conducted by such*
12 *committee, subcommittee, or task force;*

13 *(viii) information provided in writing*
14 *in response to a written request for specific*
15 *information from a covered executive branch*
16 *official or a covered legislative branch offi-*
17 *cial;*

18 *(ix) required by subpoena, civil inves-*
19 *tigative demand, or otherwise compelled by*
20 *statute, regulation, or other action of the*
21 *Congress or an agency;*

22 *(x) made in response to a notice in the*
23 *Federal Register, Commerce Business Daily,*
24 *or other similar publication soliciting com-*
25 *munications from the public and directed to*

1 *the agency official specifically designated in*
2 *the notice to receive such communications;*

3 *(xi) not possible to report without dis-*
4 *closing information, the unauthorized dis-*
5 *closure of which is prohibited by law;*

6 *(xii) made to officials in an agency*
7 *with regard to—*

8 *(I) a judicial proceeding or a*
9 *criminal or civil law enforcement in-*
10 *quiry, investigation, or proceeding, or*

11 *(II) a filing or proceeding that the*
12 *Government is specifically required by*
13 *statute or regulation to maintain or*
14 *conduct on a confidential basis,*

15 *if that agency is charged with responsibility*
16 *for such proceeding, inquiry, investigation,*
17 *or filing;*

18 *(xiii) made in compliance with written*
19 *agency procedures regarding an adjudica-*
20 *tion conducted by the agency under section*
21 *554 of title 5, United States Code, or sub-*
22 *stantially similar provisions;*

23 *(xiv) written comments filed in the*
24 *course of a public proceeding or other com-*

1 *munications that are made on the record in*
2 *a public proceeding;*

3 (xv) *a petition for agency action made*
4 *in writing pursuant to established agency*
5 *procedures;*

6 (xvi) *made on behalf of an individual*
7 *with regard to that individual's benefits,*
8 *employment, or other personal matters in-*
9 *volving only that individual, except that*
10 *this subclause does not apply to any com-*
11 *munication with respect to the formulation,*
12 *modification, or adoption of private legisla-*
13 *tion for the relief of that individual;*

14 (xvii) *disclosures by an individual to*
15 *the appropriate authority on account of*
16 *which that individual is protected against*
17 *adverse personnel actions, or other reprisals,*
18 *under the amendments made by the Whistle-*
19 *blower Protection Act of 1989, the Inspector*
20 *General Act of 1978, or other provision of*
21 *law;*

22 (xviii) *made by a church, its inte-*
23 *grated auxiliary, a convention or associa-*
24 *tion of churches, or a religious order that is*
25 *exempt from filing a Federal income tax re-*

turn under paragraph (2)(A)(i) or
 (2)(A)(iii) of section 6033(a) of the Internal
 Revenue Code of 1986 if the communication
 constitutes the free exercise of religion or is
 for the purpose of protecting the right to the
 free exercise of religion; and

(xix) between—

(I) officials of a self-regulatory or-
 ganization recognized by Federal law,
 and

(II) the Federal regulatory agency
 with jurisdiction over such organiza-
 tion,

relating to the regulatory responsibilities of
 such organization under such law.

The term “media organization”, as used in
 clause (ii), means an organization engaged in
 disseminating information to the general public
 through a newspaper, magazine, other publica-
 tion, radio, television, cable television, or other
 medium of mass communication.

(11) LOBBYIST.—The term “lobbyist” means any
 individual who is employed or retained by a client
 for financial or other compensation for services that
 include one or more lobbying contacts, other than an

1 *individual whose lobbying activities constitute less*
 2 *than 10 percent of the time engaged in the services*
 3 *provided by such individual to that client.*

4 (12) *ORGANIZATION.*—*The term “organization”*
 5 *means any corporation, company, foundation, asso-*
 6 *ciation, labor organization, firm, partnership, society,*
 7 *joint stock company, or group of organizations.*

8 (13) *PUBLIC OFFICIAL.*—*The term “public offi-*
 9 *cial” means any elected official, appointed official, or*
 10 *an employee of—*

11 (A) *a Federal, State, or local unit of gov-*
 12 *ernment in the United States other than—*

13 (i) *a college or university which is an*
 14 *agency or instrumentality of the govern-*
 15 *ment of any State or of a local unit of gov-*
 16 *ernment thereof, or which is owned or oper-*
 17 *ated by such a government or by any agen-*
 18 *cy or instrumentality of one or more such*
 19 *governments;*

20 (ii) *a government-sponsored enterprise*
 21 *as defined in section 3(8) of the Congres-*
 22 *sional Budget and Impoundment Control*
 23 *Act of 1974; or*

24 (iii) *a public utility, including any*
 25 *entity that provides gas, electricity, water,*

1 *or communications, which is an agency or*
 2 *instrumentality of the government of any*
 3 *State or States or of a local unit of govern-*
 4 *ment of a State or which is owned, con-*
 5 *trolled, or operated by such a government or*
 6 *by any agency or instrumentality of one or*
 7 *more such governments;*

8 *(B) a Government corporation (as defined*
 9 *in section 9101 of title 31, United States Code);*

10 *(C) an organization of State or local elected*
 11 *or appointed officials other than officials of an*
 12 *entity described in clause (i), (ii), or (iii) of sub-*
 13 *paragraph (A);*

14 *(D) an Indian tribe (as defined in section*
 15 *4(e) of the Indian Self-Determination and Edu-*
 16 *cation Assistance Act (25 U.S.C. 450b(e)),*

17 *(E) a national or State political party or*
 18 *any organizational unit thereof, or*

19 *(F) a national, regional, or local unit of*
 20 *any foreign government.*

21 *(14) The term “State” means each of the several*
 22 *States, the District of Columbia, and any common-*
 23 *wealth territory, or possession of the United States.*

24 **SEC. 4. REGISTRATION OF LOBBYISTS.**

25 *(a) REGISTRATION.—*

1 (1) *GENERAL RULE.*—Not later than 30 days
2 after a lobbyist first makes a lobbying contact or is
3 employed or retained to make a lobbying contact,
4 whichever is earlier, such lobbyist (or, as provided
5 under paragraph (2), the organization employing
6 such lobbyist), shall register with the Office of Lobby-
7 ing Registration and Public Disclosure.

8 (2) *ORGANIZATION RULE.*—Any organization
9 that has one or more employees who are lobbyists
10 shall make the registration required by paragraph (1)
11 on behalf of such employees.

12 (3) *EXEMPTION.*—

13 (A) *GENERAL RULE.*—Notwithstanding
14 paragraph (1) or (2), an individual or organiza-
15 tion whose—

16 (i) total income for matters related to
17 lobbying activities on behalf of a particular
18 client (in the case of a lobbyist making lob-
19 bying contacts on behalf of a client other
20 than the organization employing such lob-
21 byist), or

22 (ii) total expenses in connection with
23 lobbying activities (in the case of a lobbyist
24 making lobbying contacts on behalf of the
25 organization employing such lobbyist),

1 *do not exceed, or are not expected to exceed*
2 *\$2,500 (as estimated under section 5) in the*
3 *semiannual period described in section 5(a) dur-*
4 *ing which the registration would be made is not*
5 *required to register under subsection (a) with re-*
6 *spect to such client.*

7 (B) *ADJUSTMENT.—The \$2,500 figure in*
8 *subparagraph (A) shall be adjusted—*

9 (i) *on January 1, 1997, to reflect*
10 *changes in the Consumer Price Index (as*
11 *determined by the Secretary of Labor) since*
12 *the date of the enactment of this Act, and*

13 (ii) *on January 1 of each fourth year*
14 *occurring after January 1, 1997, to reflect*
15 *changes in the Consumer Price Index (as*
16 *determined by the Secretary of Labor) dur-*
17 *ing the preceding 4-year period,*

18 *rounded to the nearest \$100.*

19 (b) *CONTENTS OF REGISTRATION.—Each registration*
20 *under this section shall be in such form as the Director shall*
21 *prescribe by regulation and shall contain—*

22 (1) *the name, address, business telephone num-*
23 *ber, and principal place of business of the registrant,*
24 *and a general description of its business or activities;*

1 (2) the name, address, and principal place of
2 business of the registrant's client, and a general de-
3 scription of its business or activities (if different from
4 paragraph (1));

5 (3) the name, address, and principal place of
6 business of any organization, other than the client,
7 that—

8 (A) contributes or has agreed to contribute
9 more than \$5,000 toward the lobbying activities
10 of the registrant in the semiannual period de-
11 scribed in section 5(a) in which the registration
12 is made; and

13 (B) significantly participates or has agreed
14 to participate significantly in the planning, su-
15 pervision, or control of such lobbying activities;

16 (4) the name, address, principal place of busi-
17 ness, amount of any contribution of more than \$5,000
18 to the lobbying activities of the registrant, and ap-
19 proximate percentage of equitable ownership in the
20 client (if any) of any foreign entity that—

21 (A) holds at least 20 percent equitable own-
22 ership in the client or any organization identi-
23 fied under paragraph (3);

24 (B) directly or indirectly, in whole or in
25 major part, plans, supervises, controls, directs,

1 *finances, or subsidizes the lobbying activities of*
2 *the registrant; or*

3 *(C) is an affiliate of the client or any orga-*
4 *nization identified under paragraph (3) and has*
5 *a direct interest in the outcome of the lobbying*
6 *activity;*

7 *(5) the name, address, and principal place of*
8 *business of any person or organization retained by*
9 *the registrant (other than an employee of the reg-*
10 *istrant) to conduct grass roots lobbying communica-*
11 *tions on behalf of the registrant or the client of the*
12 *registrant (other than a person or organization that*
13 *is separately registered under this Act in connection*
14 *with such representation);*

15 *(6) a statement of—*

16 *(A) the general issue areas in which the reg-*
17 *istrant expects to engage in lobbying activities*
18 *on behalf of the client, and*

19 *(B) to the extent practicable, specific issues*
20 *that have (as of the date of the registration) al-*
21 *ready been addressed or are likely to be ad-*
22 *dressed in lobbying activities; and*

23 *(7) the name of each employee of the registrant*
24 *who has acted or whom the registrant expects to act*
25 *as a lobbyist on behalf of the client and, if any such*

1 *employee has served as a covered executive branch of-*
2 *ficial or a covered legislative branch official in the 2*
3 *years before the date on which such employee was first*
4 *required to register as a lobbyist on behalf of the cli-*
5 *ent, the position in which such employee served.*

6 *(c) GUIDELINES FOR REGISTRATION.—*

7 *(1) MULTIPLE CLIENTS.—In the case of a reg-*
8 *istrant making lobbying contacts on behalf of more*
9 *than one client, a separate registration under this sec-*
10 *tion shall be filed for each such client.*

11 *(2) MULTIPLE LOBBYISTS.—Any organization*
12 *that has one or more employees who are lobbyists*
13 *shall file a single registration under this section for*
14 *each client on whose behalf its employees act as lobby-*
15 *ists covering all lobbying contacts made by such em-*
16 *ployees on behalf of such client.*

17 *(3) MULTIPLE CONTACTS.—If a registrant makes*
18 *another lobbying contact for the same client with a*
19 *covered executive branch official or covered legislative*
20 *branch official, such contact will not require another*
21 *registration under paragraph (1).*

22 *(d) TERMINATION OF REGISTRATION.—A registrant*
23 *who after registration does not—*

1 (1) *engage in any lobbying activities in a semi-*
 2 *annual reporting period on behalf of the client with*
 3 *respect to which the registrant registered, and*

4 (2) *anticipate any additional lobbying activities*
 5 *for such client in the 12-month period following such*
 6 *reporting period,*

7 *shall notify the Director of the termination of such activities*
 8 *and shall not be required to file any additional reports with*
 9 *respect to such client under this section.*

10 **SEC. 5. REPORTS BY REGISTERED LOBBYISTS.**

11 (a) *SEMIANNUAL REPORT.*—

12 (1) *IN GENERAL.*—No later than 30 days after
 13 *the end of the semiannual period beginning on the*
 14 *first day of each January and the first day of July*
 15 *of each year in which a registrant is registered under*
 16 *section 4, each registrant shall file a report with the*
 17 *Office of Lobbying Registration and Public Disclosure*
 18 *on its lobbying activities during such semiannual pe-*
 19 *riod. A separate report shall be filed for each client*
 20 *of the registrant.*

21 (2) *EXEMPTION.*—

22 (A) *INCOME OR EXPENSES OF LESS THAN*
 23 *\$2,500.*—Any registrant whose—

24 (i) *total income for a particular client*
 25 *for matters that are related to lobbying ac-*

1 *tivities on behalf of that client (in the case*
 2 *of a registrant described in subsection*
 3 *(b)(3)), or*

4 *(ii) total expenses in connection with*
 5 *lobbying activities (in the case of a reg-*
 6 *istrant described in subsection (b)(4)),*

7 *are less than \$2,500 in a semiannual period (as*
 8 *estimated under paragraph (3) or (4) of sub-*
 9 *section (b), or paragraph (3) of subsection (c), as*
 10 *applicable) is deemed to be inactive during such*
 11 *period and may comply with the reporting re-*
 12 *quirements of this section by so notifying the Di-*
 13 *rector in such form as the Director may pre-*
 14 *scribe.*

15 *(B) ADJUSTMENT.—The \$2,500 figure in*
 16 *subparagraph (A) shall be adjusted as provided*
 17 *in section 4(a)(3)(B).*

18 *(b) CONTENTS OF REPORT.—Each semiannual report*
 19 *filed under subsection (a) shall be in such form as the Direc-*
 20 *tor shall prescribe by regulation and shall contain—*

21 *(1) the name of the registrant, the name of the*
 22 *client, and any changes or updates to the information*
 23 *provided in the initial registration;*

1 (2) for each general issue area in which the reg-
2 istrant engaged in lobbying activities on behalf of the
3 client during the semiannual filing period—

4 (A) a list of the specific issues upon which
5 the registrant engaged in lobbying activities, in-
6 cluding, to the maximum extent practicable, a
7 list of bill numbers and references to specific reg-
8 ulatory actions, programs, projects, contracts,
9 grants, and loans;

10 (B) a statement of the Houses and commit-
11 tees of Congress and the Federal agencies con-
12 tacted by lobbyists employed by the registrant on
13 behalf of the client during the semiannual filing
14 period;

15 (C) a list of the employees of the registrant
16 who acted as lobbyists on behalf of the client;

17 (D) a description of the interest in the spe-
18 cific issues, if any, of any foreign entity identi-
19 fied under section 4(b)(4); and

20 (E) a list of the specific issues on which any
21 person or organization required to be identified
22 under section 4(b)(5) has engaged in grassroots
23 lobbying communications on behalf of the client;

24 (3) in the case of a registrant engaged in lobby-
25 ing activities on behalf of a client other than the reg-

1 *istrant, a good faith estimate of the total amount of*
2 *all income from the client (including any payments*
3 *to the registrant by any other person for lobbying ac-*
4 *tivities on behalf of the client) during the semiannual*
5 *period, other than income for matters that are unre-*
6 *lated to lobbying activities;*

7 *(4) in the case of a registrant engaged in lobby-*
8 *ing activities on its own behalf, a good faith estimate*
9 *of the total expenses that the registrant and its em-*
10 *ployees incurred in connection with lobbying activi-*
11 *ties during the semiannual filing period; and*

12 *(5) a good faith estimate of the total expenses*
13 *that the registrant and its employees incurred in con-*
14 *nection with grassroots lobbying communications on*
15 *behalf of the client (including any amount paid in*
16 *connection with such communications to a person or*
17 *organization required to be identified under section*
18 *4(b)(5)).*

19 *(c) ESTIMATES OF INCOME OR EXPENSES.—For pur-*
20 *poses of this section, estimates of income or expenses shall*
21 *be made as follows:*

22 *(1) \$200,000 OR LESS.—Income or expenses of*
23 *\$200,000 or less shall be estimated in accordance with*
24 *the following categories:*

1 (A) *At least \$2,500 but not more than*
 2 *\$10,000.*

3 (B) *More than \$10,000 but not more than*
 4 *\$20,000.*

5 (C) *More than \$20,000 but not more than*
 6 *\$50,000.*

7 (D) *More than \$50,000 but not more than*
 8 *\$100,000.*

9 (E) *More than \$100,000 but not more than*
 10 *\$200,000.*

11 (2) *MORE THAN \$200,000.—Income or expenses*
 12 *in excess of \$200,000 shall be estimated and rounded*
 13 *to the nearest \$100,000.*

14 (3) *ESTIMATES BASED ON TAX REPORTING SYS-*
 15 *TEM.—In the case of any registrant that reports lob-*
 16 *bying expenditures as required by section 6033 of the*
 17 *Internal Revenue Code of 1986, regulations prescribed*
 18 *under section 7 of this Act shall provide that the reg-*
 19 *istrant may make a good faith estimate of amounts*
 20 *that would be required to be disclosed under such sec-*
 21 *tion of the Internal Revenue Code of 1986 for the ap-*
 22 *plicable semiannual period (by category of dollar*
 23 *value) to meet the requirements of subsection (b)(4),*
 24 *if each time the registrant makes such an estimate,*

1 *the registrant informs the Director that the registrant*
2 *is making such an estimate.*

3 (4) *CONSTRUCTION.—In estimating total income*
4 *or expenses under this section, a registrant is not re-*
5 *quired to include—*

6 (A) *the value of contributed services for*
7 *which no payment is made; or*

8 (B) *the expenses for services provided by an*
9 *independent contractor of the registrant who is*
10 *separately registered under this Act.*

11 (d) *CONTACTS.—*

12 (1) *CONTACTS CONSIDERED CONTACTS WITH*
13 *COMMITTEES.—For purposes of subsection (b)(2), any*
14 *contact with a member of a committee of Congress, an*
15 *employee of a committee of Congress, or an employee*
16 *of a member of a committee of Congress regarding a*
17 *matter within the jurisdiction of such committee shall*
18 *be considered a contact with the committee.*

19 (2) *CONTACTS CONSIDERED CONTACTS WITH*
20 *HOUSE OF CONGRESS.—For purposes of subsection*
21 *(b)(2), any contact with a Member of Congress or an*
22 *employee of a Member of Congress regarding a matter*
23 *which is not within the jurisdiction of a committee of*
24 *Congress of which that Member is a member shall be*

1 *considered a contact with the House of Congress of*
 2 *that Member.*

3 (3) *CONTACTS CONSIDERED CONTACTS WITH*
 4 *FEDERAL AGENCIES.—For purposes of subsection*
 5 *(b)(2), any contact with a covered executive branch*
 6 *official shall be considered a contact with the Federal*
 7 *agency that employs that official.*

8 (e) *EXTENSION FOR FILING.—The Director may grant*
 9 *an extension of time of not more than 30 days for the filing*
 10 *of any report under this section, upon the request of the*
 11 *registrant, for good cause shown.*

12 **SEC. 6. PROHIBITION ON GIFTS, MEALS, TRAVEL, ENTER-**
 13 **TAINMENT, REIMBURSEMENTS, AND LOANS;**
 14 **ITEMIZATION OF CERTAIN EXPENDITURES**

15 (a) *IN GENERAL.—*

16 (1) *REGISTRANTS AND LOBBYISTS.—In accord-*
 17 *ance with this section, each registrant (including a*
 18 *lobbyist employed by, or a lobbyist who is a member*
 19 *of, a registrant) or any client of a registrant shall*
 20 *be—*

21 (A) *prohibited from providing, directly or*
 22 *indirectly, gifts, meals, travel, entertainment, re-*
 23 *imbursements, and loans described in subsection*
 24 *(b), and*

1 (B) required to make an itemized disclosure
2 of expenditures described in subsection (c) and
3 provided, directly or indirectly,
4 to a covered legislative branch official, to an entity
5 that is maintained or controlled by a covered legisla-
6 tive branch official, or to any other person or entity
7 on behalf of a covered legislative branch official (col-
8 lectively referred to in this subsection as a “covered
9 person or entity”).

10 (2) FOREIGN LOBBYISTS.—For purposes of this
11 section, a registrant or any client of a registrant shall
12 include a foreign principal (as defined in section 1(b)
13 of the Foreign Agents Registration Act) and an agent
14 of a foreign principal (as defined in section 1(c) of
15 such Act).

16 (b) PROHIBITION.—A registrant (including a lobbyist)
17 or any client of a registrant may not provide, directly or
18 indirectly (with funds of a registrant or a client), to or on
19 behalf of or for a covered person or entity:

20 (1) TRAVEL, ENTERTAINMENT, FOOD, AND LODG-
21 ING.—Payment for local or long-distance transpor-
22 tation, entertainment, food, or lodging, whether pro-
23 vided in kind, by purchase of a ticket, by payment in
24 advance or by reimbursement, or otherwise.

1 (2) *REIMBURSEMENT.*—*Reimbursement of an*
2 *expense.*

3 (3) *LOAN.*—*A loan.*

4 (4) *GIFTS.*—*Any other item of value.*

5 (c) *DISCLOSURE.*—*With respect to expenditures de-*
6 *scribed in this subsection, the prohibitions prescribed by*
7 *subsection (b) with respect to an expenditure will not apply*
8 *to a registrant or any client of a registrant if the registrant*
9 *discloses the expenditure of the registrant or the client, in*
10 *the registrant's semiannual report under section 5(a) or in*
11 *a separate report on itemized expenditures subject to the*
12 *same filing requirements, as follows:*

13 (1) *IN GENERAL.*—*With respect to each expendi-*
14 *ture described in paragraph (2), the registrant shall*
15 *disclose—*

16 (A) *the name and position of the covered*
17 *legislative branch official or other covered person*
18 *or entity to whom or which or on behalf of whom*
19 *or which the expenditure was made;*

20 (B) *the type of the expenditure;*

21 (C) *the date on which the expenditure was*
22 *made; and*

23 (D) *the amount of the expenditure.*

1 (2) *EXPENDITURES SUBJECT TO DISCLOSURE.*—

2 *The following expenditures are subject to disclosure*
3 *under paragraph (1):*

4 (A) *Necessary travel-related expenditures*
5 *made by a registrant described in section 5(b)(4)*
6 *or a client of a registrant described in section*
7 *5(b)(3) for a covered legislative branch official or*
8 *a person on behalf of such an official in connec-*
9 *tion with speaking engagements, fact finding*
10 *trips, substantial participation in an event*
11 *sponsored by an entity described in section*
12 *170(c) or 527(e) of the Internal Revenue Code of*
13 *1986, and similar events if the expenditure cov-*
14 *ers the costs of a trip for a period of not more*
15 *than—*

16 (i) *4 consecutive days in the case of do-*
17 *mestic travel and 7 consecutive days (ex-*
18 *cluding travel days) in the case of inter-*
19 *national travel, and*

20 (ii) *24 hours before or after such per-*
21 *son's actual participation in the event in*
22 *the case of domestic travel or 48 hours be-*
23 *fore or after such person's actual participa-*
24 *tion in the event in the case of international*
25 *travel.*

1 *Necessary travel-related expenditures include re-*
2 *imbursements for necessary transportation*
3 *whether or not such transportation occurs within*
4 *the periods described in clause (i) or (ii), but*
5 *does not include expenditures for travel, lodging,*
6 *or entertainment collateral to the event or meals*
7 *taken other than in a group setting to which all*
8 *other attendees are invited.*

9 *(B) Honorary degrees and associated meals*
10 *and entertainment provided to a covered person*
11 *or entity.*

12 *(C) Food, refreshment, or entertainment*
13 *provided a covered person or entity while attend-*
14 *ing a meeting or event with persons who are not*
15 *United States citizens while on official travel to*
16 *a foreign area.*

17 *(3) CONFERENCES.—With respect to each finan-*
18 *cial contribution or expenditure relating to a con-*
19 *ference, retreat, or similar event for or on behalf of*
20 *covered legislative branch officials which is sponsored*
21 *by or affiliated with an official congressional organi-*
22 *zation, the registrant shall disclose—*

23 *(A) the nature of the conference, retreat, or*
24 *similar event;*

1 (B) the date or dates on which the con-
2 ference, retreat, or other event occurred;

3 (C) the identity of the organization that
4 sponsored or is affiliated with the event; and

5 (D) a single aggregate figure for the con-
6 tributions or expenditures made by the registrant
7 or client of the registrant in connection with the
8 conference, retreat, or similar event.

9 (4) *EVENTS.*—With respect to each financial
10 contribution or expenditure that relates to a widely
11 attended event that is hosted or cohosted with, or in
12 honor of, 1 or more covered legislative branch offi-
13 cials, the registrant shall disclose—

14 (A) the name and position of each such cov-
15 ered legislative branch official that hosted,
16 cohosted, or was honored at such event

17 (B) the nature of the event;

18 (C) the date on which the event occurred;

19 and

20 (D) a single aggregate figure for the con-
21 tributions or expenditures made by the registrant
22 in connection with the event.

23 (5) *CHARITABLE CONTRIBUTIONS.*—With respect
24 to each charitable contribution (as defined in section
25 170(c) of the Internal Revenue Code of 1986) made in

1 *lieu of an honorarium on the basis of a designation,*
 2 *recommendation, or other specification made by a*
 3 *covered legislative branch official, the registrant shall*
 4 *disclose—*

5 *(A) the name and position of each such cov-*
 6 *ered legislative branch official;*

7 *(B) the name of any covered person or en-*
 8 *tity to whom or which the contribution was*
 9 *made;*

10 *(C) the date on which the contribution was*
 11 *made; and*

12 *(D) the value of the contribution.*

13 (6) *CONTRIBUTIONS TO LEGAL DEFENSE*
 14 *FUND.—With respect to each contribution or other*
 15 *payment made to a legal defense fund established for*
 16 *the benefit of a covered legislative branch official, the*
 17 *registrant shall disclose—*

18 *(A) the name and position of each such cov-*
 19 *ered legislative branch official;*

20 *(B) the name of any other person or entity*
 21 *to whom or which the contribution was made;*

22 *(C) the date on which the contribution was*
 23 *made; and*

24 *(D) the value of the contribution.*

1 (7) *NOTIFICATION.*—Not less than 3 weeks after
 2 an expenditure required to be reported under this sub-
 3 section is made, the registrant or any client of a reg-
 4 istrant who made or for whom was made such ex-
 5 penditure shall provide, in a standard format deter-
 6 mined by the Office of Lobbying Registration and
 7 Public Disclosure, to any covered person or entity,
 8 whose name the registrant or client intends for the
 9 registrant to include in either the registrant's semi-
 10 annual report under section 5(a) or a separate report
 11 on itemized expenditures under this subsection, a
 12 complete list of the information the registrant intends
 13 to disclose relative to that covered person or entity.
 14 The registrant shall not list in its report referred to
 15 in this paragraph any information relative to a cov-
 16 ered person or entity who—

17 (A) was not the subject of the expenditure
 18 referred to in the preceding sentence, or

19 (B) reimburses the person making such ex-
 20 penditure the full amount of such expenditure
 21 within 30 days of the receipt of notification
 22 under this paragraph.

23 (d) *EXCEPTIONS.*—The following are not subject to
 24 subsection (b) or (c):

1 (1) *Anything for which market value is paid by*
2 *the recipient.*

3 (2) *A contribution, as defined in the Federal*
4 *Election Campaign Act of 1971 (2 U.S.C. 431 et seq.)*
5 *that is lawfully made under that Act.*

6 (3) *An item of little intrinsic value such as a*
7 *greeting card, baseball cap, or a T-shirt or a person-*
8 *alized item such as a plaque, certificate, or trophy*
9 *that is intended solely for recognition of a covered leg-*
10 *islative branch official.*

11 (4) *Food and attendance provided to a covered*
12 *person or entity at an event sponsored by an organi-*
13 *zation described in section 170(c) or 527(e) of the In-*
14 *ternal Revenue Code of 1986.*

15 (5)(A) *An item described in subsection (b) (here-*
16 *after in this paragraph referred to as an “item”)*
17 *given under circumstances which make it clear that*
18 *the item is given for a nonbusiness purpose and is*
19 *motivated by a family relationship or personal*
20 *friendship and not by the position of the recipient. In*
21 *determining if the giving of an item is motivated by*
22 *a family relationship or personal friendship, at least*
23 *the following factors shall be considered:*

24 (i) *The history of the relationship between*
25 *the individual giving the item and the individ-*

1 ual receiving the item, including whether or not
 2 items have previously been exchanged by such in-
 3 dividuals.

4 (ii) Whether the item was purchased by the
 5 individual who gave the item.

6 (iii) Whether the individual who gave the
 7 item also at the same time gave the same or
 8 similar item to other covered persons or entities.

9 (B) The giving of an item shall not be considered
 10 to be motivated by a family relationship or personal
 11 friendship if the family member or friend seeks—

12 (i) to deduct the value of such item as a
 13 business expense on the family member's or
 14 friend's Federal income tax return, or

15 (ii) reimbursement either from a registrant
 16 or from a client.

17 (6) Items which are not used and which are
 18 promptly returned to the donor.

19 (7) Except with respect to items described in
 20 subsection (c)—

21 (A) attendance, food, and refreshments at
 22 widely attended gatherings, including conven-
 23 tions, conferences, symposiums, retreats, dinners,
 24 receptions, viewings, or similar events if such at-
 25 tendance, food, and refreshments are unsolicited

1 *by the recipient and provided by the sponsor of*
2 *the event,*

3 *(B) meals or entertainment that are unso-*
4 *licited by the recipient and not paid for either*
5 *directly or indirectly (including with funds of a*
6 *registrant or client) by a lobbyist or an agent of*
7 *a foreign principal (as defined in section 1(c) of*
8 *the Foreign Agents Registration Act) and not*
9 *paid for either directly or indirectly by a reg-*
10 *istrant described in section 5(b)(3), if an em-*
11 *ployee (other than a lobbyist) of—*

12 *(i) a registrant described in section*
13 *5(b)(4), or*

14 *(ii) a client of a registrant described in*
15 *section 5(b)(3),*

16 *acting in a representational capacity, substan-*
17 *tially participates in the meal or entertainment,*
18 *and*

19 *(C) modest items of food or refreshment such*
20 *as soft drinks, coffee, or doughnuts offered other*
21 *than as part of a meal.*

22 *(8) Rewards and prizes given to competitors in*
23 *contests or events, including random drawings open*
24 *to the public.*

1 (9) *Loans from financial institutions on terms*
2 *generally available to the public.*

3 (10) *Opportunities and benefits, including favor-*
4 *able rates and commercial discounts, available to the*
5 *public or to a class consisting of all Government em-*
6 *ployees whether or not restricted on the basis of geo-*
7 *graphical considerations.*

8 (11) *Pension and other benefits resulting from*
9 *continued participation in an employee welfare and*
10 *benefits plan maintained by a former employer.*

11 (12) *Anything which is paid for by the Govern-*
12 *ment or secured by the Government under Govern-*
13 *ment contract.*

14 (13) *Any gift accepted under specific statutory*
15 *authority except section 901 of the Ethics Reform Act*
16 *of 1989 (2 U.S.C. 31-2).*

17 (14) *Reduced membership or other fees for par-*
18 *ticipation in organizational activities offered to all*
19 *Government employees by professional organizations*
20 *if the only restrictions on membership relate to profes-*
21 *sional qualifications.*

22 (15) *Opportunities and benefits offered to mem-*
23 *bers of a group or class in which membership is unre-*
24 *lated to congressional employment.*

1 (16) Opportunities and benefits offered to mem-
2 bers of an organization, such as credit unions, in
3 which membership is related to congressional employ-
4 ment if similar benefits are broadly available to large
5 segments of the public through organizations of simi-
6 lar size.

7 (17) Gifts resulting from the covered legislative
8 branch official's outside business or employment ac-
9 tivities when it is clear that such benefits have not
10 been offered or enhanced because of the covered legisla-
11 tive branch official's official status.

12 (18) Gifts resulting from the business or employ-
13 ment activities of a covered legislative branch offi-
14 cial's spouse when it is clear that such benefits have
15 not been offered or enhanced because of the covered
16 legislative branch official's official position.

17 (19) Informational materials that are sent to a
18 covered legislative branch official's office in the form
19 of books, articles, periodicals, other written materials,
20 audio tapes, videotapes, or other forms of communica-
21 tion.

22 (20) Home State products, food, or other items
23 of minimal value used primarily for promotional
24 purposes.

1 (e) *DEFINITION.*—For purposes of this section, the
 2 term “market value” when applied to a gift means the retail
 3 cost a person would incur to purchase the gift. The market
 4 value of a gift of a ticket entitling the holder to food, refresh-
 5 ments, or entertainment is the retail cost of similar food,
 6 refreshments, or entertainment.

7 (f) *CLIENTS.*—

8 (1) *NOTICE TO CLIENTS.*—A registrant described
 9 in section 5(b)(3) shall by written notice inform any
 10 client of the registrant of the requirements of this sec-
 11 tion applicable to the client. Such notice shall be pro-
 12 vided at the time the registrant registers on behalf of
 13 such client under section 4 and at the beginning of
 14 each semiannual reporting period under section 5(a).

15 (2) *NOTICE BY CLIENTS.*—If a client of a reg-
 16 istrant makes an expenditure which such registrant
 17 will be required to report under subsection (c), the cli-
 18 ent shall promptly notify the registrant of such ex-
 19 penditure. Failure to provide such notice shall be con-
 20 sidered to be a violation of this Act.

21 (g) *HOUSE RULES.*—Clause (4) of Rule XLIII of the
 22 Rules of the House of Representatives is amended by adding
 23 at the end the following: “A Member, officer, or employee
 24 of the House of Representatives shall not accept a gift given

1 *by a lobbyist or registrant subject to the Lobbying Disclo-*
 2 *sure Act of 1994 in knowing violation of that Act.”.*

3 **SEC. 7. ESTABLISHMENT AND DUTIES OF OFFICE OF LOB-**
 4 **BYING REGISTRATION AND PUBLIC DISCLO-**
 5 **SURE.**

6 *(a) ESTABLISHMENT.—*

7 *(1) OFFICE AND DIRECTOR.—There is established*
 8 *as an independent agency in the executive branch an*
 9 *Office of Lobbying Registration and Public Disclo-*
 10 *sure, which shall be headed by a Director. The Direc-*
 11 *tor shall be appointed by the President, by and with*
 12 *the advice and consent of the Senate. The Director*
 13 *shall be an individual who, by demonstrated ability,*
 14 *background, training, and experience, is especially*
 15 *qualified to carry out the functions of the position.*
 16 *The term of service of the Director shall be 5 years.*

17 *(2) COMPENSATION.—Section 5316 of title 5,*
 18 *United States Code, is amended by adding at the end*
 19 *thereof the following:*

20 *“Director of the Office of Lobbying Registration*
 21 *and Public Disclosure.”.*

22 *(3) EMPLOYEES AND SERVICES.—The Director*
 23 *may—*

24 *(A) appoint officers and employees, includ-*
 25 *ing attorneys, in accordance with chapter 51*

1 *and subchapter III of chapter 53 of title 5, United States Code; and*

2 *(B) contract for financial and administrative services (including those related to budget and accounting, financial reporting, personnel, and procurement) with the General Services Administration or such other Federal agency as the Director determines appropriate, for which payment shall be made in advance or by reimbursement from funds of the Office in such amounts as may be agreed upon by the Director and the head of the agency providing such services.*

3 *Contract authority under subparagraph (B) shall be effective for any fiscal year only to the extent that appropriations are available for that purpose.*

4 *(b) DUTIES.—The Director of the Office of Lobbying Registration and Public Disclosure shall—*

5 *(1) after notice and a reasonable opportunity for public comment, and consultation with the Secretary of the Senate, the Clerk of the House of Representatives, and the Administrative Conference of the United States, prescribe such regulations, forms, and penalty schedules as are necessary to carry out this Act;*

6 *(2) provide guidance and assistance on the registration and reporting requirements of this Act, in-*

1 *cluding the issuance of published decisions and advi-*
2 *sory opinions;*

3 (3) *review the registrations and reports filed*
4 *under this Act and make such verifications or inquir-*
5 *ies as are necessary to ensure the completeness, accu-*
6 *racy, and timeliness of the registrations and reports;*

7 (4) *develop filing, coding, and cross-indexing*
8 *systems to carry out the purposes of this Act, includ-*
9 *ing computerized systems designed to minimize the*
10 *burden of filing and maximize public access to mate-*
11 *rials filed under this Act;*

12 (5) *ensure that the computer systems developed*
13 *pursuant to paragraph (4)—*

14 (A) *allow the materials filed under this Act*
15 *to be accessed by client name, lobbyist name, and*
16 *registrant name;*

17 (B) *are compatible with computer systems*
18 *developed and maintained by the Federal Elec-*
19 *tion Commission, and that information filed in*
20 *the two systems can be readily cross-referenced;*
21 *and*

22 (C) *are compatible with computer systems*
23 *developed and maintained by the Secretary of*
24 *the Senate and the Clerk of the House of Rep-*
25 *resentatives;*

1 (6) *make copies of each registration and report*
2 *filed under this Act available to the public, upon the*
3 *payment of reasonable fees, not to exceed the cost of*
4 *such copies, as determined by the Director, in elec-*
5 *tronic and hard copy formats as soon as practicable*
6 *after the date on which such registration or report is*
7 *received;*

8 (7) *preserve the originals or accurate reproduc-*
9 *tion of—*

10 (A) *registrations filed under this Act, and*

11 (B) *of reports filed under this Act,*

12 *for a period of not less than 3 years from the date*
13 *on which the registration or report is received;*

14 (8) *maintain a computer record of—*

15 (A) *the information contained in registra-*
16 *tions, and*

17 (B) *the information contained in reports*
18 *filed under this Act for not less than 5 years*
19 *after the date on which such reports are received;*

20 (9) *compile and summarize, with respect to each*
21 *semiannual period, the information contained in reg-*
22 *istrations and reports filed with respect to such pe-*
23 *riod in a manner which clearly presents the extent*
24 *and nature of expenditures on lobbying activities dur-*
25 *ing such period;*

1 (10) make information compiled and summa-
2 rized under paragraph (9) available to the public in
3 electronic and hard copy formats as soon as prac-
4 ticable after the close of each semiannual filing
5 period;

6 (11) provide, by computer telecommunication or
7 other transmittal in a form accessible by computer, to
8 the Secretary of the Senate and the Clerk of the House
9 of Representatives copies of all registrations and re-
10 ports received under sections 4 and 5 and all com-
11 pilations, cross-indexes, and summaries of such reg-
12 istrations and reports, as soon as practicable (but not
13 later than 3 working days) after such material is re-
14 ceived or created;

15 (12) make available to the public a list of all
16 persons whom the Director determines, under section
17 9(c) or 10(c), to have violated this Act and submit
18 such list to the Congress on a semiannual basis;

19 (13) upon request, indicate if an individual who
20 may have been the subject of a lobbying contact is or
21 has been within 3 years before the date of the request
22 a covered executive branch official or a covered legis-
23 lative branch official; and

24 (14) transmit to the President and the Congress
25 a report, not later than March 31 of each year, de-

1 *scribing the activities of the Office and the implemen-*
2 *tation of this Act, including—*

3 *(A) a financial statement for the preceding*
4 *fiscal year;*

5 *(B) a summary of the registrations and re-*
6 *ports filed with the Office with respect to the pre-*
7 *ceding calendar year;*

8 *(C) a summary of the registrations and re-*
9 *ports filed on behalf of foreign entities with re-*
10 *spect to the preceding calendar year; and*

11 *(D) recommendations for such legislative or*
12 *other action as the Director considers appro-*
13 *priate.*

14 **SEC. 8. INITIAL PROCEDURE FOR ALLEGED VIOLATIONS.**

15 *(a) ALLEGATION OF A VIOLATION.—Whenever the Of-*
16 *fice of Lobbying Registration and Public Disclosure has*
17 *reason to believe that a person may be in violation of the*
18 *requirements of this Act, the Director shall notify the person*
19 *in writing of the nature of the alleged violation and provide*
20 *an opportunity for the person to respond in writing to the*
21 *allegation within 30 days after the notification is sent or*
22 *such longer period as the Director may determine appro-*
23 *priate in the circumstances.*

1 (b) *INITIAL DETERMINATION.*—If the person responds
 2 within the period described in the notification under sub-
 3 section (a), the Director shall—

4 (1) issue a written determination that the person
 5 has not violated this Act if the person provides ade-
 6 quate information or explanation to make such deter-
 7 mination; or

8 (2) make a formal request for information under
 9 subsection (c) or a determination under section 9, if
 10 the information or explanation provided indicates
 11 that such person may have violated this Act.

12 A determination under paragraph (1) may be published by
 13 the Director with the names redacted if the Director deter-
 14 mines the determination without the names provides useful
 15 guidance.

16 (c) *FORMAL REQUEST FOR INFORMATION.*—If a per-
 17 son fails to respond in writing within the period described
 18 in the notification under subsection (a) or the response is
 19 not adequate to determine whether such person has violated
 20 this Act, the Director may make a formal request for spe-
 21 cific additional written information (subject to applicable
 22 privileges) that is reasonably necessary for the Director to
 23 make such determination. Each such request shall be struc-
 24 tured to minimize any burden imposed, consistent with the

1 *need to determine whether the person is in compliance with*
2 *this Act, and shall—*

3 *(1) state the nature of the conduct constituting*
4 *the alleged violation which is the basis for the inquiry*
5 *and the provision of law applicable thereto;*

6 *(2) describe the class or classes of material to be*
7 *produced pursuant to the request with such definite-*
8 *ness and certainty as to permit such material to be*
9 *readily identified; and*

10 *(3) prescribe a return date or dates which pro-*
11 *vide a reasonable period of time within which the*
12 *person may assemble and make available for inspec-*
13 *tion and copying or reproduction the material so*
14 *requested.*

15 *(d) NONDISCLOSURE OF INFORMATION.—Information*
16 *provided to the Director under this section and sections 9*
17 *and 10 shall not be made available to the public without*
18 *the consent of the person providing the information, except*
19 *to the extent such information may be included in—*

20 *(1) any new or amended registration or report*
21 *filed in connection with an inquiry under this sec-*
22 *tion; or*

23 *(2) a written decision issued by the Director*
24 *under section 9 or 10 after appropriate redaction by*

1 the Director to protect the interests of innocent
2 parties.

3 **SEC. 9. DETERMINATIONS OF VIOLATIONS.**

4 (a) *NOTIFICATION AND HEARING.*—If the information
5 provided to the Director under section 8 indicates that a
6 person may have violated this Act, the Director shall—

7 (1) notify the person in writing of this finding
8 and, if appropriate, a proposed penalty assessment
9 and provide such person with an opportunity to re-
10 spond in writing within 30 days after the notice is
11 sent; and

12 (2) if requested in writing by that person within
13 that 30-day period, afford the person an opportunity
14 for a hearing on the record under the provisions of
15 section 554 of title 5, United States Code.

16 (b) *DETERMINATION.*—Upon the receipt of a written
17 response under subsection (a)(1) when no hearing under
18 subsection (a)(2) is requested, upon the completion of a
19 hearing requested under subsection (a)(2), or upon the expi-
20 ration of 30 days in a case in which no such written re-
21 sponse is received, the Director shall review the information
22 received under this section (including evidence presented at
23 any such hearing) and section 8 and make a final deter-
24 mination whether there was a violation and a final deter-
25 mination of the penalty, if any. If no written response was

1 *received under this section within the 30-day period pro-*
 2 *vided, the determination and penalty assessment shall con-*
 3 *stitute a final order not subject to appeal.*

4 *(c) WRITTEN DECISION.—*

5 *(1) DETERMINATION OF VIOLATION.—If the Di-*
 6 *rector makes a final determination under subsection*
 7 *(b) that there was a violation, the Director shall issue*
 8 *a public written decision—*

9 *(A) directing the person to correct the viola-*
 10 *tion; and*

11 *(B) assessing a civil monetary penalty in*
 12 *an amount determined as follows:*

13 *(i) In the case of a minor violation, the*
 14 *amount shall be no more than \$10,000, de-*
 15 *pending on the nature and extent of the vio-*
 16 *lation.*

17 *(ii) In the case of a significant viola-*
 18 *tion, the amount shall be more than*
 19 *\$10,000, but no more than \$200,000, de-*
 20 *pending on the nature and extent of the vio-*
 21 *lation and the extent to which the person*
 22 *may have profited from the violation.*

23 *(2) DETERMINATION OF NO VIOLATION OR INSUF-*
 24 *FICIENT EVIDENCE.—If the Director determines that*
 25 *no violation occurred or there was not sufficient evi-*

1 *dence that a violation occurred, the Director shall*
 2 *issue a written notice of such determination to the*
 3 *person charged. Such notice may be published by the*
 4 *Director with names redacted if the Director deter-*
 5 *mines it provides useful guidance.*

6 *(d) CIVIL INJUNCTIVE RELIEF.—If a person fails to*
 7 *comply with a directive to correct a violation under sub-*
 8 *section (c), the Director shall refer the case to the Attorney*
 9 *General to seek civil injunctive relief in the appropriate*
 10 *court of the United States to compel such person to comply*
 11 *with such directive.*

12 *(e) PENALTY ASSESSMENTS.—*

13 *(1) GENERAL RULE.—No penalty shall be as-*
 14 *essed under this section unless the Director finds that*
 15 *the person subject to the penalty knew or should have*
 16 *known that such person was in violation of this Act.*
 17 *In determining the amount of a penalty to be as-*
 18 *essed, the Director shall take into account the totality*
 19 *of the circumstances, including the extent and gravity*
 20 *of the violation and such other matters as justice may*
 21 *require.*

22 *(2) REGULATIONS.—Regulations prescribed by*
 23 *the Director under section 7 shall define minor and*
 24 *significant violations. Significant violations shall be*
 25 *defined to include a failure to register and any other*

1 *violation that is extensive or repeated if the person*
2 *who commits such violation knew or should have*
3 *known that the action constituting the violation was*
4 *a violation of this Act.*

5 *(f) LIMITATION.—No proceeding shall be initiated*
6 *under this section relating to a registration or report filed*
7 *or required to be filed under this Act unless the Director*
8 *notifies the person who is to be the subject to the proceeding*
9 *of the alleged violation within 3 years after the date on*
10 *which such registration or report was filed or was required*
11 *to be filed.*

12 **SEC. 10. OTHER VIOLATIONS.**

13 *(a) LATE REGISTRATION OR FILING; FAILURE TO*
14 *PROVIDE INFORMATION.—If a person registers or files a re-*
15 *port after a registration or filing is required under this Act,*
16 *or fails to provide information requested by the Director*
17 *under section 8(c), the Director shall—*

18 *(1) notify the person in writing of the violation*
19 *and a proposed penalty assessment and provide such*
20 *person with an opportunity to respond in writing*
21 *within 30 days after the notice is sent; and*

22 *(2) if requested by that person within that 30-*
23 *day period, afford the person a hearing in accordance*
24 *with section 9(a)(2).*

1 (b) *DETERMINATION.*—Upon the receipt of a written
 2 response under subsection (a)(1) when no hearing under
 3 subsection (a)(2) is requested, upon the completion of a
 4 hearing requested under subsection (a)(2), or upon the expi-
 5 ration of 30 days in a case in which no such written re-
 6 sponse is received, the Director shall review the information
 7 received under subsection (a) (including evidence presented
 8 at any such hearing) and, unless the Director determines,
 9 on the basis of such information, that the late filing or fail-
 10 ure to provide information was justified, the Director shall
 11 make a final determination of a violation and a final deter-
 12 mination of the penalty, if any. If no written response or
 13 request for a hearing was received under subsection (a)
 14 within the 30-day period provided, the determination and
 15 penalty assessment shall constitute a final order not subject
 16 to appeal.

17 (c) *WRITTEN DECISION.*—

18 (1) *DETERMINATION OF VIOLATION.*—If the Di-
 19 rector makes a final determination under subsection
 20 (b) that there was a violation, the Director shall issue
 21 a public written decision—

22 (A) in the case of a late registration or fil-
 23 ing, assessing a civil monetary penalty of \$200
 24 for each week by which the filing was late, with
 25 the total penalty not to exceed \$10,000; or

1 (B) in the case of a failure to provide infor-
2 mation—

3 (i) directing the person to provide the
4 information within a reasonable period of
5 time; and

6 (ii) except where the Director deter-
7 mines that the violation was the result of a
8 good faith dispute over the validity or ap-
9 propriate scope of a request for information,
10 assessing a civil monetary penalty in an
11 amount not to exceed \$10,000.

12 (2) DETERMINATION OF NO VIOLATION OR INSUF-
13 FICIENT EVIDENCE.—If the Director determines that
14 no violation occurred or there was not sufficient evi-
15 dence that a violation occurred, the Director shall
16 issue a written notice of such determination to the
17 person charged. Such notice may be published by the
18 Director with names redacted if the Director deter-
19 mines it provides useful guidance.

20 (d) CIVIL INJUNCTIVE RELIEF.—In the case of a per-
21 son failing to comply with a directive issued under sub-
22 section (c)(2)(A), the Director shall refer such matter to the
23 Attorney General, who shall seek civil injunctive relief in
24 the appropriate court of the United States to compel such
25 person to comply with such directive unless the Attorney

1 *General finds no reasonable likelihood that the Government*
2 *would prevail.*

3 **SEC. 11. JUDICIAL REVIEW.**

4 (a) *FINAL DECISION.*—A written decision issued by
5 the Director under section 9 or 10 shall become final 60
6 days after the date on which the Director provides notice
7 of the decision, unless such decision is appealed under sub-
8 section (b) of this section.

9 (b) *APPEAL.*—Any person adversely affected by a writ-
10 ten decision issued by the Director under section 9 or 10
11 may appeal such decision, except as provided under section
12 9(b) or 10(b), to the appropriate United States court of ap-
13 peals. Such review may be obtained by filing a written no-
14 tice of appeal in such court no later than 60 days after
15 the date on which the Director provides notice of the Direc-
16 tor's decision and by simultaneously sending a copy of such
17 notice of appeal to the Director. The Director shall file in
18 such court the record upon which the decision was issued,
19 as provided under section 2112 of title 28, United States
20 Code. The findings of fact of the Director shall be conclusive,
21 unless found to be unsupported by substantial evidence, as
22 provided under section 706(2)(E) of title 5, United States
23 Code. Any penalty assessed or other action taken in the de-
24 cision shall be stayed during the pendency of the appeal.

1 (c) *RECOVERY OF PENALTY.*—Any penalty assessed in
 2 a written decision which has become final under this Act
 3 may be recovered in a civil action brought by the Attorney
 4 General in an appropriate United States district court. In
 5 any such action, no matter that was raised or that could
 6 have been raised before the Director or pursuant to judicial
 7 review under subsection (b) may be raised as a defense, and
 8 the determination of liability and the determination of
 9 amounts of penalties and assessments shall not be subject
 10 to review.

11 **SEC. 12. RULES OF CONSTRUCTION.**

12 (a) *CONSTITUTIONAL RIGHTS.*—Nothing in this Act
 13 shall be construed to prohibit or interfere with—

14 (1) the right to petition the government for the
 15 redress of grievances,

16 (2) the right to express a personal opinion, or

17 (3) the right of association,

18 protected by the First Amendment to the Constitution.

19 (b) *PROHIBITION OF ACTIVITIES.*—Nothing in this Act
 20 shall be construed to prohibit, or to authorize the Director
 21 or any court to prohibit lobbying activities or lobbying con-
 22 tacts by any person, regardless of whether such person is
 23 in compliance with the requirements of this Act.

24 (c) *AUDIT AND INVESTIGATIONS.*—Nothing in this Act
 25 shall be construed to grant general audit or investigative

1 *authority to the Director, or to authorize the Director to*
 2 *review the files of a registrant, except in accordance with*
 3 *the requirements of section 8.*

4 **SEC. 13. AMENDMENTS TO THE FOREIGN AGENTS REG-**
 5 **ISTRATION ACT.**

6 *The Foreign Agents Registration Act of 1938 (22*
 7 *U.S.C. 611 et seq.), is amended—*

8 *(1) in section 1—*

9 *(A) by striking out subsection (j);*

10 *(B) in subsection (o), by striking out “the*
 11 *dissemination of political propaganda and any*
 12 *other activity which the person engaging therein*
 13 *believes will, or which he intends to, prevail*
 14 *upon, indoctrinate, convert, induce, persuade, or*
 15 *in any other way influence” and inserting in*
 16 *lieu thereof “any activity which the person en-*
 17 *gaging in believes will, or which he intends to,*
 18 *in any way influence”;*

19 *(C) in subsection (p) by striking out the*
 20 *semicolon and inserting in lieu thereof a period;*
 21 *and*

22 *(D) by striking out subsection (q);*

23 *(2) in section 3(g) (22 U.S.C. 613(g)), by strik-*
 24 *ing out “established agency proceedings, whether for-*
 25 *mal or informal.” and inserting in lieu thereof “judi-*

1 *cial proceedings, criminal or civil law enforcement*
2 *inquiries, investigations or proceedings, or agency*
3 *proceedings required by statute or regulation to be*
4 *conducted on the record.”;*

5 *(3) in section 3 (22 U.S.C. 613), by adding at*
6 *the end the following:*

7 *“(h) Any agent of a person described in section 1(b)(2)*
8 *or an entity described in section 1(b)(3) of this Act if the*
9 *agent is required to register and does register under the*
10 *Lobbying Disclosure Act of 1994 in connection with the*
11 *agent’s representation of such person or entity.”.*

12 *(4) in section 4(a) (22 U.S.C. 614(a))—*

13 *(A) by striking out “political propaganda”*
14 *and inserting in lieu thereof “informational ma-*
15 *terials”;* and

16 *(B) by striking out “and a statement, duly*
17 *signed by or on behalf of such an agent, setting*
18 *forth full information as to the places, times, and*
19 *extent of such transmittal”;*

20 *(5) in section 4(b) (22 U.S.C. 614(b))—*

21 *(A) in the matter preceding clause (i) by*
22 *striking out “political propaganda” and insert-*
23 *ing in lieu thereof “informational materials”;*
24 *and*

1 (B) by striking out “(i) in the form of
 2 prints, or” and all that follows through the end
 3 of the subsection and inserting in lieu thereof
 4 “without placing in such informational mate-
 5 rials a conspicuous statement that the materials
 6 are distributed by the agent on behalf of the for-
 7 eign principal, and that additional information
 8 is on file with the Department of Justice, Wash-
 9 ington, District of Columbia. The Attorney Gen-
 10 eral may by rule define what constitutes a con-
 11 spicuous statement for the purposes of this sub-
 12 section.”;

13 (6) in section 4(c) (22 U.S.C. 614(c)), by strik-
 14 ing out “political propaganda” and inserting in lieu
 15 thereof “informational materials”;

16 (7) in section 6 (22 U.S.C. 616)—

17 (A) in subsection (a), by striking out “and
 18 all statements concerning the distribution of po-
 19 litical propaganda”;

20 (B) in subsection (b), by striking out “, and
 21 one copy of every item of political propaganda”;
 22 and

23 (C) in subsection (c), by striking out “cop-
 24 ies of political propaganda,”;

25 (8) in section 8 (22 U.S.C. 618)—

1 (A) in subsection (a)(2), by striking out “or
 2 in any statement under section 4(a) hereof con-
 3 cerning the distribution of political propa-
 4 ganda”; and

5 (B) by striking out subsection (d); and

6 (9) in section 11 (22 U.S.C. 621), by striking out
 7 “, including the nature, sources, and content of politi-
 8 cal propaganda disseminated or distributed”.

9 **SEC. 14. AMENDMENTS TO THE BYRD AMENDMENT.**

10 (a) *REVISED CERTIFICATION REQUIREMENTS.*—Sec-
 11 tion 1352(b) of title 31, United States Code, is amended—

12 (1) in paragraph (2), by striking out subpara-
 13 graphs (A), (B), and (C) and inserting in lieu thereof
 14 the following:

15 “(A) the name of any registrant under the
 16 Lobbying Disclosure Act of 1994 who has made
 17 lobbying contacts on behalf of the person with re-
 18 spect to that Federal contract, grant, loan, or co-
 19 operative agreement; and

20 “(B) a certification that the person making
 21 the declaration has not made, and will not make,
 22 any payment prohibited by subsection (a).”;

23 (2) in paragraph (3), by striking out all that fol-
 24 lows “loan shall contain” and inserting in lieu there-
 25 of “the name of any registrant under the Lobbying

1 *Disclosure Act of 1994 who has made lobbying con-*
 2 *tacts on behalf of the person in connection with that*
 3 *loan insurance or guarantee.”; and*

4 *(3) by striking out paragraph (6) and redesi-*
 5 *gnating paragraph (7) as paragraph (6).*

6 *(b) REMOVAL OF OBSOLETE REPORTING REQUIRE-*
 7 *MENT.—Section 1352 of title 31, United States Code, is fur-*
 8 *ther amended—*

9 *(1) by striking subsection (d); and*

10 *(2) by redesignating subsections (e), (f), (g), and*
 11 *(h) as subsections (d), (e), (f), and (g), respectively.*

12 **SEC. 15. REPEAL OF CERTAIN LOBBYING PROVISIONS.**

13 *(a) REPEAL OF THE FEDERAL REGULATION OF LOB-*
 14 *BYING ACT.—The Federal Regulation of Lobbying Act (2*
 15 *U.S.C. 261 et seq.) is repealed.*

16 *(b) REPEAL OF PROVISIONS RELATING TO HOUSING*
 17 *LOBBYIST ACTIVITIES.—*

18 *(1) Section 13 of the Department of Housing*
 19 *and Urban Development Act (42 U.S.C. 3537b) is re-*
 20 *pealed.*

21 *(2) Section 536(d) of the Housing Act of 1949*
 22 *(42 U.S.C. 1490p(d)) is repealed.*

23 **SEC. 16. CONFORMING AMENDMENTS TO OTHER STATUTES.**

24 *(a) AMENDMENT TO COMPETITIVENESS POLICY COUN-*
 25 *CIL ACT.—Section 5205(e) of the Competitiveness Policy*

1 *Council Act (15 U.S.C. 4804(e)) is amended by inserting*
 2 *“or a lobbyist for a foreign entity (as the terms ‘lobbyist’*
 3 *and ‘foreign entity’ are defined in section 3 of the Lobbying*
 4 *Disclosure Act of 1994)” after “an agent for a foreign*
 5 *principal”.*

6 (b) *AMENDMENTS TO TITLE 18, UNITED STATES*
 7 *CODE.—Section 219(a) of title 18, United States Code, is*
 8 *amended (1) by inserting “or a lobbyist required to register*
 9 *under the Lobbying Disclosure Act of 1994 in connection*
 10 *with the representation of a foreign entity, as defined in*
 11 *section 3(7) of that Act” after “an agent of a foreign prin-*
 12 *cipal required to register under the Foreign Agents Reg-*
 13 *istration Act of 1938”, and (2) by striking out “, as amend-*
 14 *ed,”. Section 201(c)(1) of such title is amended by inserting*
 15 *“or rule or regulation issued pursuant to section 7353(b)*
 16 *by the supervising ethics office as defined in section*
 17 *7353(d)(1) (A) through (E) of title 5” after “as provided*
 18 *by law”.*

19 (c) *AMENDMENT TO FOREIGN SERVICE ACT OF*
 20 *1980.—Section 602(c) of the Foreign Service Act of 1980*
 21 *(22 U.S.C. 4002(c)) is amended by inserting “or a lobbyist*
 22 *for a foreign entity (as defined in section 3(7) of the Lobby-*
 23 *ing Disclosure Act of 1994)” after “an agent of a foreign*
 24 *principal (as defined by section 1(b) of the Foreign Agents*
 25 *Registration Act of 1938)”.*

1 **SEC. 17. IDENTIFICATION OF FOREIGN CLIENT.**

2 (a) *ORAL LOBBYING CONTACT.*—Any person who
3 makes an oral lobbying contact with a covered legislative
4 branch official or a covered executive branch official on be-
5 half of a foreign client shall, on the request of the official,
6 identify the client on whose behalf the lobbying contact was
7 made, state that such client is considered a foreign client
8 under this section, and state whether such person is reg-
9 istered on behalf of that client under section 4. Such person
10 shall, within one week of such lobbying contact, send to the
11 covered legislative branch official or the covered executive
12 branch official written confirmation of the information
13 provided.

14 (b) *WRITTEN LOBBYING CONTACT.*—Any person who
15 makes a written lobbying contact (including an electronic
16 communication) with a covered legislative branch official
17 or a covered executive branch official on behalf of a foreign
18 client shall identify the client on whose behalf the lobbying
19 contact was made, state that such client is considered a for-
20 eign client under this section, and state whether such person
21 is registered on behalf of that client under section 4.

22 (c) *DEFINITION.*—For purposes of subsections (a) and
23 (b), the term “foreign client” means a foreign entity as de-
24 fined in section 3(7) or any organization or combination
25 of persons under United States or foreign law if more than
26 50 percent of its members are foreign entities, if more than

1 50 percent of the equitable ownership of the organization
 2 or combination is held by foreign entities, or if more than
 3 50 percent of its financial support is provided by foreign
 4 entities.

5 **SEC. 18. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated for each fiscal
 7 year such sums as may be necessary to carry out this Act.

8 **SEC. 19. SEVERABILITY.**

9 If any provision of this Act, or the application thereof,
 10 is held invalid, the validity of the remainder of this Act
 11 and the application of such provision to other persons and
 12 circumstances shall not be affected thereby.

13 **SEC. 20. EFFECTIVE DATES AND INTERIM RULE.**

14 (a) *IN GENERAL.*—Except as otherwise provided in
 15 this section, the provisions of this Act shall take effect 1
 16 year after the date of the enactment of this Act.

17 (b) *ESTABLISHMENT OF OFFICE.*—The provisions of
 18 sections 7 and 18 and the amendments made by section 16
 19 shall take effect on the date of the enactment of this Act.

20 (c) *REPEALS AND AMENDMENTS.*—The repeals and
 21 amendments made under sections 13, 14, and 15 shall take
 22 effect as provided under subsection (a), except that such re-
 23 peals and amendments—

24 (1) shall not affect any proceeding or suit com-
 25 menced before the effective date under subsection (a),

1 *and in all such proceedings or suits, proceedings shall*
 2 *be had, appeals taken, and judgments rendered in the*
 3 *same manner and with the same effect as if this Act*
 4 *had not been enacted; and*

5 *(2) shall not affect the requirements of Federal*
 6 *agencies to compile, publish, and retain information*
 7 *filed or received before the effective date of such re-*
 8 *peals and amendments.*

9 *(d) REGULATIONS.—Proposed regulations required to*
 10 *implement this Act shall be published for public comment*
 11 *no later than 270 days after the date of the enactment of*
 12 *this Act. No later than 1 year after the date of the enact-*
 13 *ment of this Act, final regulations required to implement*
 14 *this Act shall be published.*

15 *(e) PHASE-IN-PERIOD.—No penalty shall be assessed*
 16 *by the Director under section 9(e) for a violation of this*
 17 *Act, other than for a violation of section 6, which occurs*
 18 *during the first semiannual reporting period under section*
 19 *5 after the effective date prescribed by subsection (a).*

20 *(f) INTERIM REPORTING RULE.—*

21 *(1) RULE.—For 3 years after the date of the en-*
 22 *actment of this Act, any registrant engaged in lobby-*
 23 *ing activities on its own behalf that is denied a de-*
 24 *duction for expenditures associated with such lobby-*
 25 *ing activities under section 162(e) of the Internal*

1 *Revenue Code of 1986, may make a good faith esti-*
 2 *mate (by category of dollar value) of the amount of*
 3 *the deduction denied for the applicable semiannual*
 4 *period to meet the requirements of section 5(b)(4) of*
 5 *this Act. Each time a registrant elects to estimate lob-*
 6 *bying expenditures pursuant to this paragraph, the*
 7 *registrant shall inform the Director that it is making*
 8 *such an estimate.*

9 (2) *STUDY.*—*Within 120 days of the filing of re-*
 10 *ports by registrants under section 5 in the second*
 11 *semiannual reporting period, the Comptroller General*
 12 *of the United States shall review reporting by reg-*
 13 *istrants under paragraph (1) in such periods and re-*
 14 *port to the Congress—*

15 (A) *the differences between the definition of*
 16 *lobbying activities in section 3 and the definition*
 17 *of lobbying expenditures in such section 162(e)*
 18 *as each are implemented by regulations;*

19 (B) *the impact any such differences may*
 20 *have on the amounts reported by the registrants*
 21 *who elect to estimate lobbying expenditures pur-*
 22 *suant to paragraph (1); and*

23 (C) *any changes to this Act or to such sec-*
 24 *tion 162(e) which the Comptroller General may*
 25 *recommend to harmonize the two definitions.*

1 (g) *TRANSITIONAL FILING REQUIREMENT.*—

2 (1) *SIMULTANEOUS FILING.*—Subject to the pro-
3 visions of paragraph (2), each registrant shall trans-
4 mit simultaneously to the Secretary of the Senate and
5 the Clerk of the House of Representatives an identical
6 copy of each registration and report required to be
7 filed under this Act.

8 (2) *SUNSET PROVISION.*—The simultaneous fil-
9 ing requirement under paragraph (1) shall be effective
10 until such time as the Director, in consultation with
11 the Secretary of the Senate and the Clerk of the House
12 of Representatives, determines that the Office of Lob-
13 bying Registration and Public Disclosure is able to
14 provide computer telecommunication or other trans-
15 mittal of registrations and reports as required under
16 section 7(b)(11).

17 (3) *IMPLEMENTATION.*—The Director, the Sec-
18 retary of the Senate, and the Clerk of the House of
19 Representatives shall take such actions as necessary to
20 ensure that the Office of Lobbying Registration and
21 Public Disclosure is able to provide computer tele-
22 communication or other transmittal of registrations
23 and reports as required under section 7(b)(11) on the

- 1 *effective date of this Act, or as soon thereafter as rea-*
- 2 *sonably practicable.*

Attest:

Clerk.

S 349 EAH——2

S 349 EAH——3

S 349 EAH——4

S 349 EAH——5